

REMARKS

Claims 2, 4, 5, 7-11 and 14 are pending. Claims 1, 3, 6 and 12-13 have been cancelled.

Claim 4 has been amended to delete the possibilities that the multifunctional low-molecular compound (K) is a metal halide or alkyl aluminum. The compound (K) can now be (among others) titanium tetrachloride or zirconium tetrachloride. Support for this amendment can be found on page 138.

No new matter has been added by way of the above-amendment.

Prior Art based Issues

Claims 4, 5, 8-11 and 14 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ziegler (US 2,699,457). Applicants respectfully traverse the rejection.

Ziegler has described the production of polyolefin polymers using “activator” compounds that include, *inter alia*, aluminum compounds. The Examiner objects to the fact that instant claim 4 recites that the multifunctional low-molecular compound (K) is a metal halide or alkyl aluminum.

With respect to the “**alkyl aluminum**,” Applicants have deleted this term thereby rendering this aspect of the Examiner’s objection moot.

With respect to the “**metal halide**,” the Examiner asserts that when the metal halide is used to form the final product $(P^6)_n - X^3$ of formula (IV), the halide is removed. As such, the Examiner has taken the position that Zeigler’s activators would also form multibranched polymers which overlap with formula (IV) of the present invention. Ziegler’s activators are of the formula $Me(R)_n$ wherein Me is aluminum, gallium, indium and beryllium, and R is at least one of hydrogen, monovalent saturated aliphatic radicals or monovalent aromatic radicals and combinations thereof. See column 1, lines 29-41.

In response, Applicants have deleted the broad recitation that the multifunctional low-molecular compound (K) is a metal halide. Instead, claim 4 now recites that the multifunctional low-molecular compound (K) can be a titanium tetrachloride or zirconium tetrachloride. In view of the fact that Ziegler fails to teach or fairly suggest a titanium or zirconium based activator, Applicants respectfully submit that claim 4 (and all claims dependent thereon) are patentable over Ziegler. As such, reconsideration and withdrawal of the rejection are respectfully requested.


In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D. Esq. (Reg. No. 43,575) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: July 9, 2009

Respectfully submitted,

By  #43575
Marc S. Weiner *for*
Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant